HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1122 OF 2006.

Rajeshree Tukaram Kadam. ..Petitioner.
Versus.
The Suprintendent of Police,
Nashik (Rural). and others..Respondents.

A. Q. Ansari for the petitioner.
S. R. Borulkar A.P.P. for the State.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: NOVEMBER 15, 2006.

P.C.

1. Heard. The petitioner has approached to this Court seeking directions as against respondent no.1 and respondent No.2 for direction to take action against them for dereliction of official duties for not remaining present in this Court in Criminal Writ petition No. 1861 of 2005 to file affidavit in compliance of the order of this Court passed on 5.10.2005. The petitioner has further prayed for to call for the explanation from the Director General of Police, Maharashtra State (respondent no.3) for not taking necessary action against respondent nos. 1 & 2 for not remaining present and not filing affidavit in compliance of order dated 5.10.2005 passed in Criminal Writ Petition No. 1861 of 2005. He has further insisted for recording of a statement of Hirabai Vilas

Jagtap under section 173(8) of the Code of Criminal Procedure, 1973 in Special Case No. 25 of 2002 pending in the Court of Ad-hoc Sessions Judge IIIrd Court Nasik.

2. Learned A.P.P. for the State - S.R.Borulkar has filed an affidavit of the Director General of Police, Maharashtra State Mr. P.S.Pasricha and it has been specifically stated that there is gross delay on the part of the Department in not recording the statement of Hirabai Vilas Jagtap in compliance with the orders of this Court dated 31.3.2002 in Writ Petition No. 982 of 2002. However, it is further stated that the said statement has been recorded and explanation for the delay has been given. It is further stated that appropriate enquiry has been initiated for gross delay committed by the concerned officer and within a period of one month a report will be submitted. In view of these facts, what we find that the compliance of the orders of this Court has taken place and for negligence and non compliance of the said order the appropriate action has been started by the department against the concerned person. Therefore, the reliefs which are being asked for, are being given by the Department itself and therefore this petition does not survive and it is accordingly disposed of.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

:srp/sathe/2006/